

Issued August 30, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1602.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF SALAD OIL; ADULTERATION AND MISBRANDING OF VANILLA FLAVOR.

On January 4, 1912, the United States Attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against G. W. Fischer and F. T. Fischer, copartners, doing business as Fischer Bros., Seattle, Wash., alleging shipment by them, in violation of the Food and Drugs Act, from the State of Washington into the Territory of Alaska—

(1) On or about April 29, 1911, of a quantity of salad oil which was misbranded. The product was labeled: "Durand Salad-Oil, Guaranteed by Fischer Bros. under the Food and Drugs Act. June 30, 1906, Serial No. 11176. Packed by Fischer Brothers, Seattle."

Analysis of a sample of this product by the Bureau of Chemistry of this Department showed the following results: Specific gravity at 15.6° C., 0.9220; index of refraction at 25° C., 1.4701; iodine number, 111.7; free fatty acids, as oleic, 0.11 per cent; Halphen test, positive; sesame oil test, negative. Misbranding of the product was alleged in the information for the reason that it was so labeled and branded as to deceive and mislead the purchaser, the label thereon conveying the impression that the product was olive oil, whereas in truth and in fact it was cottonseed oil.

(2) On or about June 8, 1911, of a quantity of vanilla flavor which was adulterated and misbranded. The product was labeled "Vanilla Flavor."

Analysis of a sample of the product, made by the Bureau of Chemistry of this Department, showed the following results: Specific

gravity, 1.0113; alcohol by volume, 24.68 per cent; methyl alcohol, absent; solids from specific gravity of dealcoholic extract, 10.35 per cent; glycerol, present; total sugars, 4.27 per cent; ash, 0.11 per cent; vanillin, 0.06 per cent; coumarin, absent; lead number, 0.17; vanilla resins, absent; coloring matter, caramel. Adulteration of the product was alleged in the information for the reason that a substance, to wit, an imitation flavor of vanilla, had been mixed and packed therewith in such a manner as to reduce, lower, and injuriously affect its quality and strength, and further, in that a substance, to wit, an imitation flavor of vanilla, had been substituted in part for the genuine vanilla, and further, in that said product was colored in a manner whereby its inferiority was concealed. Misbranding was alleged in the information for the reason that the label thereon was false and misleading, such labeling purporting that said article was a genuine vanilla flavor, conforming to the commercial standard of such article, whereas in truth and in fact it was a dilute vanilla flavor. Misbranding was further alleged for the reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Vanilla Flavor," thereby purporting that it was a genuine vanilla flavor, conforming to the commercial standard of such article, whereas in truth and in fact it was a dilute vanilla flavor.

On January 5, 1912, the defendants entered a plea of guilty, and they were sentenced to pay a fine of \$25 on each of three counts, namely, misbranding of salad oil, adulteration of vanilla flavor, and misbranding of vanilla flavor, and costs taxed at \$25.26.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., June 17, 1912.